UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

April 13, 1994

MEMORANDUM

SUBJECT: Interpretation of the Good Laboratory Practice (GLP) Regulation

GLP Regulations Advisory No. 71

FROM: David L. Dull, Director
Laboratory Data Integrity Assurance Division

TO: GLP Inspectors

Please find attached an interpretation of the GLP regulations as issued by the Policy & Grants Division of the Office of Compliance Monitoring. This interpretation is official policy in the GLP program and should be followed by all GLP inspectors.

For further information, please contact Francisca E. Liem at (703) 308-8333.

Attachment

cc: C. Musgrove

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION PESTICIDES
AND TOXIC SUBSTANCES

Dear

This is in response to your letter of August 27, 1993 to Dr. David L. Dull in which you requested clarification regarding several specific questions related to the requirements o£ the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Good Laboratory Practice Standards (GLPS). That letter was referred to me for reply.

Specifically, you requested clarification regarding the following questions:

1. Is the GLP compliance statement a submission requirement and not a final report requirement [§160.185]?

   The GLPS at 40 CFR 160.12 describe the statement of compliance or non-compliance (compliance statement) as a submission requirement, as opposed to a final reporting requirement under 40 CFR 160.185. Note that the list of minimally required final report elements at 40 CFR 160.185(a) does not include the compliance statement. Please note also, however, that this section also states that the components of the final report are not limited to items mentioned in this list. If, for example, either the study protocol or the facility's standard operating procedures (SOP) stated that the study final report shall include the compliance statement, this would become a required final report element.

2. During the course of a study, it is determined that the study will be terminated or discontinued and not submitted to the Agency. Can an amendment to the study protocol be prepared that states the study will be terminated and a final report will not be issued [the protocol and any raw data generated during the study will be archived, §160.195(b)(3)]? If a final report must be issued, should a compliance statement be issued and the report identify that the study was terminated, will not be submitted or used to support the registration of a pesticide, and be signed by the study director?

   A final report is required for every study. Amending the protocol to state that no final report is to be issued does not alter the fact that the study will be in noncompliance.

The GLPS do not require that an internally archived final report include a statement indicating that the report is not to be submitted to EPA unless it has become required to include such a statement under the study protocol or SOPs. Note that the study director is required to sign the final report, so if such a statement is an element of the final report, it by nature is signed by the study director when the final report is signed.

Finally, please note that should the data eventually be submitted to the Agency, a compliance statement will be required regardless of whether it was generated at the time of the study. 40 CFR 160.12 requires that the compliance statement submitted to the Agency must be a single statement, signed by the study director, sponsor, and submitter.

3. Either prior to or after a completed study has been submitted to the Agency, an area of non-compliance is identified in a study. Can an amended compliance statement be issued as a correction to the final report [§160.185(14)(c)]?

When a report is submitted to the Agency, it must include a true and accurate compliance statement as required at 40 CFR 160.12. The compliance statements are integral in determining the acceptability of the data included in such submissions for the purpose of regulatory decision making. Submission of an false compliance statement is violative under FIFRA section 12(a)(2)(M), (Q), or (R) depending on the nature of the falsification. Subsequent submissions to correct inaccuracies do not alter the compliance status of the original submission. However, if a testing facility, sponsor, or submitter discovers that the compliance statement was in fact in error, they are advised to immediately submit an amended detailed compliance statement to the Agency. In addition, they are advised to contact Dr. David Dull, Acting Director, Agriculture Division, Office of Compliance, Office of Enforcement and Compliance Assurance.

An amendment to the compliance statement would not constitute an amendment to the study final report as described at 40 CFR 160.185(a), unless the compliance statement constitutes an element of such report as described above.

4. Prior to submission of a completed study (signed by the study director), it is determined by the sponsor or applicant that the compliance statement is not accurate (e.g., an additional compliance issue is identified). However, the study director does not feel that the issue is an area of non-compliance and refuses to identify this in the compliance statement. Can the sponsor or applicant reference the study director's signed compliance statement and note additional items on non-compliance in a separate compliance statement?

The GLPS require at 40 CFR 160.12 that a compliance statement, signed by the sponsor, applicant, and study director, be submitted for each study. The statement must be of one of three types given. This requirement does not provide flexibility for multiple statements certifying different levels of compliance.

The Agency depends upon the truth and accuracy of the statement, signed by all responsible parties. It is difficult for the Agency to draw conclusions regarding the compliance status of a study if there is not agreement with respect to compliance among the principal parties involved in the study. The implication would be that one of the statements is false. You are advised to contact our office to resolve disagreements over compliance issues.

If you have any questions concerning this response, please contact Steve Howie of my staff at (703) 308-8290.

Sincerely yours,

/s/ John J. Neylan III, Director,
Policy and Grants Division
Office of Compliance Monitoring (7202)

cc: David L. Dull
GLP File